

OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

November 12, 2002
7:30 p.m. - Council Chambers
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Barrett, Chow, Mallory, Silver, Turner, Ways

Absent: None

Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Paul Gilleland (Public Works), and Jeff Rose (Police).

Ron Whitehead, City Manager, announced the upcoming events: Bookworm Bash, November 16-17, 2002; Employee's Thanksgiving Luncheon, November 18, 2002;. Citizens Academy, November 23, 2002; Airport Briefing, December 4, 2002; and ULI Study, January 22, 2003.

Item #R2 – Consent Agenda

Item #2b was considered separately.

Item #2a – Approval of the Minutes for the October 22, 2002 Council meeting. (Approved)

Item #2c – Consideration of a Resolution approving a sponsorship agreement in the amount of \$50,000.00 with the Cavanaugh Flight Museum for marketing events and promotional material. (R02-096)

Item #2d – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$15,000.00 with Texas Chamber Orchestra for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-097)

Item #2e – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$8,500.00 with Brookhaven College Center for the Arts for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-098)

Item #2f – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$6,600.00 with Dance Council for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-099)

Item #2g – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$8,700.00 with Repertory Company Theatre (RCT) for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-100)

Item #2h – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$230,000.00 plus up to \$150,000.00 matching funds with WaterTower Theatre for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-101)

Item #2i – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$9,000.00 with Metrocrest Chamber of Commerce for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-102)

Item #2j – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$15,000.00 with Metrocrest Social Service Center for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-103)

Item #2k – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$15,000.00 with Senior Adult Services for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-104)

Item #2l – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$5,000.00 with The Family Place for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-105)

Item #2m – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$30,00000 with Communities In Schools for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-106)

Item #2n – Consideration of a Resolution authorizing the City Manager to enter into a contract for services for \$5,000.00 with Special Care and Career Services for the fiscal year 2002-2003 subject to final review and approval of the City Attorney's office. (R02-107)

CouncilmemberMallory moved to approve the above listed items. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #2b – Consideration of approval and Resolution authorizing the City Manager to enter into a contract with Hand & Associates to advertise in the November 2002, March 2003 and August 2003 editions of the Addison/North Dallas Corridor Guide publication.

Councilmember Ways moved to duly pass Resolution No. R02-095 authorizing the City Manager to enter into a contract with Hand & Associates to advertise in the November 2002, March 2003 and August 2003 editions of the Addison/North Dallas Corridor Guide publication. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Mallory, Silver, Turner, Ways
Voting Nay: Chow
Absent: None

Item #R3 – Presentation of the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award to the Town of Addison for the fiscal year beginning October 1, 2001.

Mayor Wheeler presented the GFOA Distinguished Budget Presentation Award to Randy Moravec, Director of Finance, Town of Addison.

Item #R4 – **PUBLIC HEARING** and Consideration of an Ordinance requesting approval of a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, and a Special Use Permit for a brewpub, located on 1.82 acres between Addison Road and the Dallas North Tollway, north of Sojourn Drive, on application from Two Rows Restaurant and Brewery, Inc. represented by Mr. Mike Brotzman and Mr. Rusty Loeffler.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Mallory moved to duly pass Ordinance No. 002-044 approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption, and a Special Use Permit for a brewpub, located on 1.82 acres between Addison Road and the Dallas North Tollway, north of Sojourn Drive, on application for Two Rows Restaurant and Brewery, Inc. represented by Mr. Mike Brotzman and Mr. Rusty Loeffler. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R5 – Consideration of an Ordinance approving a meritorious exception to Chapter 62, Signs, Section 62-162 Monument Signs, for Emerald Plaza Building located at 14900 Landmark Boulevard, on application from A Sign of Quality.

Councilmember Mallory moved to duly pass Ordinance No. 002-045 approving a meritorious exception to Chapter 62, Signs, Section 62-162 Monument Signs, for Emerald Plaza Building located at 14900 Landmark Boulevard, on application from A Sign of Quality. Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R6 – Consideration of a Resolution authorizing the City Manager to execute an agreement to donate certain items of historical interest to the Museum of Dallas County, Old Red Courthouse.

Councilmember Turner moved to duly pass Resolution No. R02-108 authorizing the City Manager to execute an agreement to donate certain items of historical interest to the Museum of Dallas County, Old Red Courthouse. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R7 – Consideration of a Resolution authorizing the City Manager to enter into a contract with Hotel Intercontinental to host the 2003 North Texas Jazz Festival in Addison.

Councilmember Chow moved to duly pass Resolution No. R02-109 authorizing the City Manager to enter into a contract with Hotel Intercontinental to host the 2003 North Texas Jazz Festival in Addison. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R8 – Consideration of a Resolution authorizing the City Manager to enter into a contract with Xelerate Group to provide marketing, events and sponsorship services November 1, 2002-September 30, 2003 for the Town of Addison.

Mayor Wheeler recused himself from this item. Deputy Mayor Ways proceeded to oversee this item.

Councilmember Barrett moved to duly pass Resolution No. R02-110 authorizing the City Manager to enter into a contract with Xelerate Group to provide marketing, events and sponsorship services November 1, 2002-September 30, 2003 for the Town of Addison. Councilmember Mallory seconded. The motion carried.

Voting Aye: Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None
Abstaining: Wheeler

Item #R9 – Consideration of a Resolution authorizing the City Manager to enter into a contract in the amount of \$28,500.00 with AriaMedia Co. to redesign the Addisontexas.net web site.

Councilmember Chow moved to duly pass Resolution No. R02-111 authorizing the City Manager to enter into a contract in the amount of \$28,500.00 with AriaMedia Co. to redesign the Addisontexas.net web site. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R10 – Consideration of a Resolution supporting necessary legislation and DART policy changes to allow expansion and extension of DART services to local government jurisdictions through local option citizen elections pledging payments to the DART system in an amount equivalent to a one-cent sales tax.

Councilmember Mallory moved to table this item for further review. Councilmember Ways seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R11 - **PUBLIC HEARING** and **SECOND READING** of an Ordinance amending the existing Electric Franchise of the Town between the Town and Oncor Electric Delivery Company to provide for a different consideration (being a sum comprised of (i) a charge authorized by Section 33.008(b) of the Texas Public Utility Regulatory Act based on each kilowatt hour of electricity delivered by Oncor to each retail customer whose consuming facility's point of delivery is located within the Town municipal boundaries, and (ii) a sum equal to four percent (4%) of gross revenues received by Oncor from services identified in its "Tariff for Retail Delivery Services", Section 6.1.2, "Discretionary Service Charges", items DD1 through DD24, that are for the account or benefit of an end-use retail electric consumer; providing that Oncor may file a tariff amendment(s) to provide for the recovery of the franchise fee on Discretionary Service Charges, and that the Town will not take action to prohibit the recovery of such franchise fees; providing for acceptance by Oncor Electric Delivery Company; providing a savings clause; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; providing for two readings of this Ordinance, and for final passage not earlier than thirty (30) days after the date of the

first reading of this Ordinance; providing an effective date thirty (30) days after the date of the final passage.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

No action taken.

Item #R12 - **PUBLIC HEARING** and **SECOND READING** of an Ordinance amending the existing Gas Franchise of the Town between the Town and TXU Gas Company to provide for a different consideration (being four percent (4%) of the gross revenues received by TXU Gas ("gross revenues" being defined in part to mean all revenue derived or received, directly or indirectly, by TXU Gas Company from or in connection with the operation of the gas distribution system within the corporate limits of the Town)); providing for a most favored nations clause; providing that TXU Gas Company may file a tariff amendment(s) to provide for the recovery of the franchise fees under this amendment, and that the Town will not take action to prohibit the recovery of such franchise fees; providing that TXU shall have the right to lease, license or otherwise grant to a party other than TXU Gas the use of its facilities within the City's public rights-of-way under the conditions stated in the Ordinance; providing for acceptance by TXU Gas Company; providing a savings clause; finding and determining that the meeting at which this Ordinance is passed is open to the public as required by law; providing for two reading of this Ordinance, and for final passage not earlier than thirty (30) days after the date of the first reading of this Ordinance; providing an effective date thirty (30) days after the date of the final passage.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

No action taken.

Item #R13 – **PUBLIC HEARING** and Consideration of an Ordinance authorizing that finding, after reasonable notice and hearing, that TXU Gas Distribution's rates and charges within the Town should be changed; determining just and reasonable rates; adopting general service rates including rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation of natural gas to residential, commercial and industrial customers; providing for recovery of rate case expenses; preserving regulatory rights of the city; providing for repeal of conflicting ordinances; providing for an effective date.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Mallory moved to duly pass Ordinance No. 002-046 authorizing that finding, after reasonable notice and hearing, that TXU Gas Distribution's rates and charges within the Town should be changed; determining just and reasonable rates;

adopting general service rates including rate adjustment provisions and miscellaneous service charges to be charged for sales and transportation of natural gas to residential, commercial and industrial customers; providing for recovery of rate case expenses; preserving regulatory rights of the city; providing for repeal of conflicting ordinances; providing for an effective date. Councilmember Barrett seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

EXECUTIVE SESSION. At 9:36 p.m. Mayor Wheeler announced that the Council would go into Executive Session to discuss the following items:

Item #ES1 - Closed (Executive) session of the City Council, pursuant to Section 551.087 of the Texas Government Code for discuss or deliberate regarding commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay, or expand in or near the Town of Addison and with which the City Council is conducting economic development negotiations, and/or to deliberate the offer of a financial or other incentive to such business prospect.

Item #ES2 - Closed (Executive) session of the City Council, pursuant to Sections 551.071 and 551.072 of the Texas Government Code for presentation, discussion and consultation with the City Attorney regarding the possible purchase of a 0.0256 acre tract of land for permanent right-of-way and a temporary easement in a 0.0267 acre tract of land for construction purposes (both tracts located generally at 4799 Belt Line Road).

The Council came out of **Executive Session** at 10:05 p.m.

Item #R14 – Consideration of a Resolution approving an Economic Development Incentive Agreement (sales tax grant (rebate)) and authorizing the City Manager to execute the Agreement on behalf of the City.

Councilmember Turner moved to duly pass Resolution No. R02-113 approving an Economic Development Incentive Agreement (sales tax grant (rebate)) and authorizing the City Manager to execute the Agreement on behalf of the City subject to the approval of the City Attorney. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

Item #R15 – Consideration of a Resolution authorizing the City Manager to purchase an easement in a 0.0256 acre tract of land for permanent right-of-way and a temporary easement in a 0.0267 acre tract of land for construction purposes (both tracts located generally at 4799 Belt Line Road).

Councilmember Barrett moved to duly pass Resolution No. R02-114 authorizing purchase an easement in a 0.0256 acre tract of land for permanent right-of-way and a temporary easement in a 0.0267 acre tract of land for construction purposes (both tracts located generally at 4799 Belt Line Road). Councilmember Silver seconded. The motion carried.

Voting Aye: Wheeler, Barrett, Chow, Mallory, Silver, Turner, Ways
Voting Nay: None
Absent: None

There being no further business before the Council, the meeting was adjourned.

Mayor

Attest:

City Secretary